

PEOPLE OF THE STATE OF NEW YORK,

19-cv-0707 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Petitioner's motion, at Dkt. No. 32, for reconsideration pursuant to Federal Rule of Civil Procedure 60(b) of the final judgment, at Dkt. Nos. 30-31, is DENIED.

Rule 60(b) provides for relief from a final judgment where there has been:

(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b). “The standard for . . . [reconsideration] is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked . . . that might reasonably be expected to alter the conclusion reached by the court.” *Woods v. Superintendent*, No. 9:19-CV-505 (GLS), 2020 WL 4462308, at *1 (N.D.N.Y. Aug. 4, 2020) (quoting *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995)). Plaintiff’s motion has not identified such decisions or data, and has not established any grounds for reconsideration under Rule 60(b). The motion is denied.

Because Petitioner has not at this time made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. 2253. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for purposes of appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk is respectfully directed to close the motion at Dkt. No. 32 and mail a copy of this order to Petitioner.

SO ORDERED.

Dated: December 30, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge